

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 12-CR-077 (WCG)

FRANCIS G. GRADY,

Defendant.

GOVERNMENT'S PROPOSED VOIR DIRE QUESTIONS

The United States of America by its attorneys, James L. Santelle, United States Attorney for the Eastern District of Wisconsin, and Assistant United States Attorney William J. Roach, for said district, hereby request that pursuant to Rule 24(a) of the Federal Rules of Criminal Procedure, the following voir dire questions be asked of potential jurors in the above-entitled action. The court is also requested to ask additional questions whenever a particular response suggests that further inquiry is appropriate.

1. Please state your name, residence, marital status, educational background, employment and employment of your spouse. If retired or unemployed, please state the nature of your last employment. Please state the number of children you have and their ages.

2. Have any of you ever served as a juror in a civil or criminal case?

- If so, in what court?

- Did the jury reach a verdict?

- What was the verdict?

3. Do any of you know the defendant Francis G. Grady?

4. Do any of you know counsel for the defendant, Thomas E. Phillip?
5. Do any of you know Assistant United States Attorney William J. Roach?
6. Have you or any of your close friends or relatives ever been employed by any federal, state, or local law enforcement agency? If so, please specify your relationship with that person and the nature of his or her employment. Has anyone studied law or law enforcement?
7. The government may call the following persons as witnesses in this case:
(List to be provided at trial). Do you know any of these individuals?
8. This case involves the alleged arson of a commercial building. Have any of you, or any of your close family or friends, been employed as a firefighter or received training in the area of fire fighting or fire investigation? Have any of you, or your close family or friends, had your home, workplace, or property destroyed by fire? Knowing that this case involves an allegation that a building was damaged by fire, does that in any way affect your ability to be a juror?
9. This case also involves an alleged FACE violation. FACE stands for Freedom of Access to Clinic Entrances. That law is designed to protect patients, physicians, and employees of reproductive health care facilities from harm and prevent physical destruction of medical and related facilities.
10. The business that is the subject of the alleged arson was Planned Parenthood, located in Grand Chute, Wisconsin. Have any of you had business dealings or sought care from this Planned Parenthood business?
11. There were numerous press reports related to this incident. Have you seen any of the press reports related to this incident? Have you formed any impressions or made any conclusions regarding this incident? Do you think you can set aside those impressions/conclusions and review the facts in this case on their own?

12. Abortion is a controversial issue on which many people have strong feelings. However, there will not be any evidence presented during the trial regarding the practice of abortion, nor will there be any moral debate concerning the issue of abortion. Abortion will not be the subject of any issue which the jury must decide. Nonetheless, feelings surrounding the issue can be so strong that some people might be unable to impartially listen to the evidence and deliberate based solely on the facts and law presented in this case at trial. Do you have any opinions or beliefs regarding the issue of abortion that might cause you to base your decision on your personal feelings on the issue of abortion rather than the facts and law presented at trial in this case?

13. Is there anything about your experiences or the experiences of your friends or family that would cause you to feel discomfort in listening to the facts presented in this case?

14. Do you belong to any group or organization which has taken a position on any aspect of the issue of abortion? If so, would your membership in such an organization pose difficulties for you in deciding this case based on the facts and the law presented during the trial? Please do not name the group or organization but explain how you would be affected.

15. Have you made any contributions to any group or organization which has taken a position on any aspect of the issue of abortion, even if you are not a member as discussed in the question above? If so, would your contribution to such an organization pose difficulties for you in deciding this case based on the facts and law presented during the trial? If so, please explain.

16. Have you or your family members or close friends ever participated (including being an observer) in any protest, march, or rally regarding abortion on either side of the issue? If so, please describe. Is there anything about that participation that would pose difficulties for you in deciding this case based on the facts and law presented during the trial? If so, please explain.

17. Were you ever arrested in connection with any protest, march or rally regarding any

issue? Is there anything about the arrest that would pose difficulties for you in deciding this case based on the facts and law presented during the trial? If so, please explain.

18. Have you, any member or your family or any close friend ever been charged with a crime more serious than a traffic offense?

19. Have any of you, members of your family, or any close friends ever been a party to a lawsuit involving any level of government? If so, please explain. Does any juror have any feelings regarding federal, state, or local governments that would affect your ability to sit as a juror in this case and listen impartially to the evidence and render a verdict according to that evidence?

20. Have any of you, or any member of your immediate family or any close personal friend, ever been the victim of a crime? If so, would that experience influence the way in which you view the evidence in this case, or make it difficult for you to be a juror in this case? If so, how?

21. Have you, any member of your family or any close friend ever had an experience with any branch of government that would cause you to be unfair either to the government or the defendant?

22. Have you ever been involved in a lawsuit other than a divorce? If so, please elaborate.

23. Does anyone have any feelings about our criminal justice system and the jury system which might affect your ability to sit as a juror and weigh the evidence impartially?

24. Do any of you have any beliefs which make you reluctant to serve on a criminal jury? Would any of those beliefs make it difficult or impossible for you to decide someone's guilt?

25. The jury is the judge of the facts while the judge decides the law. At the close of the case, the judge will instruct you on the law that you must apply to the facts of this case. It is your obligation to follow the Court's instructions about the law, whether or not you agree with the law.

Is there anyone who would be unwilling to follow the judge's instructions?

Respectfully submitted this 5th day of July, 2012.

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